

1 AN ACT
2 RELATING TO WATER; PROVIDING WATER BANKING AUTHORITY TO
3 ACEQUIAS AND COMMUNITY DITCHES.
4

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 Section 1. WATER BANKING--ACEQUIAS AND COMMUNITY
7 DITCHES.--An acequia or community ditch may establish a
8 water bank for the purpose of temporarily reallocating water
9 without change of purpose of use or point of diversion to
10 augment the water supplies available for the places of use
11 served by the acequia or community ditch. The acequia or
12 community ditch water bank may make temporary transfers of
13 place of use without formal proceedings before the state
14 engineer, and water rights placed in the acequia or
15 community ditch water bank shall not be subject to loss for
16 non-use during the period the rights are placed in the water
17 bank. An acequia or community ditch water bank established
18 pursuant to this section is not subject to recognition or
19 approval by the interstate stream commission or the state
20 engineer.

21 Section 2. Section 72-1-2.3 NMSA 1978 (being Laws
22 2002, Chapter 77, Section 1) is amended to read:

23 "72-1-2.3. LOWER PECOS RIVER BASIN BELOW SUMNER LAKE
24 WATER BANK--ACEQUIA AND COMMUNITY DITCH WATER BANKS--
25 INTERSTATE STREAM COMMISSION.--

1 A. The interstate stream commission may
2 recognize a water bank established by an irrigation
3 district, a conservancy district, an artesian conservancy
4 district, a community ditch, an acequia or a water users
5 association in the lower Pecos river basin below Sumner lake
6 for purposes of compliance with the Pecos River Compact.

7 B. The interstate stream commission shall
8 propose and recommend to the state engineer for adoption
9 rules for recognition of a water bank that include:

10 (1) criteria, terms and conditions for
11 deposit of a water right in the bank;

12 (2) terms and conditions for the accrual,
13 pooling, exchange, assignment and conditions of the deposit
14 of a water right;

15 (3) procedures for recording and annual
16 reporting of all transactions to the interstate stream
17 commission and the state engineer; and

18 (4) procedures for the water bank to
19 temporarily transfer deposited water to new purposes and
20 places of use and points of diversion without formal
21 proceedings before the state engineer.

22 C. A lower Pecos river basin below Sumner lake
23 water bank may contract with a person to accrue, pool,
24 exchange, assign or lease water rights to facilitate
25 compliance with the Pecos River Compact. A transaction and

1 transfer of water by a water bank in the Pecos river basin
2 shall:

- 3 (1) not impair other water rights;
4 (2) not deplete water in the system above
5 that level that would have occurred in the absence of the
6 transaction;
7 (3) comply with state law; and
8 (4) be within the same stream system or
9 underground water source. "

10 Section 3. Section 72-1-2.3 NMSA 1978 (being Laws
11 2002, Chapter 77, Section 1, as amended) is repealed
12 effective December 31, 2005. _____
13 _____

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